

AMENDED IN ASSEMBLY APRIL 22, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 663

Introduced by Assembly Member Gomez

February 21, 2013

An act to amend ~~Section~~ *Sections 1562.3 and 1569.616* of the Health and Safety Code, *and to amend Section 9719 of the Welfare and Institutions Code*, relating to residential care facilities.

LEGISLATIVE COUNSEL'S DIGEST

AB 663, as amended, Gomez. Residential care facilities: administrators: training requirements.

~~Existing law requires the Director of Social Services, in consultation with the Director of Health Care Services and the Director of Developmental Services, to establish a training program to ensure that licensees, operators, and staffs of adult residential care facilities have appropriate training to provide the care and services for which a license or certificate is issued. Existing law also requires the administrator of an adult residential care facility or an administrator of a residential care facility for the elderly to undergo 35 hours of training, including specified subjects, including, but not limited to, business operations and the psychosocial needs of the facility residents. Existing law also requires the Office of the State Long-Term Care Ombudsman to sponsor training of ombudsman, to be completed prior to certification as an ombudsman.~~

This bill would require the administrator training ~~to be a total of 40 hours and would require that the training include 5 hours of training in~~ cultural competency and sensitivity in aging lesbian, gay, bisexual, and

transgender minority issues *and would also require ombudsman training to include those issues.*

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 1562.3 of the Health and Safety Code is
- 2 amended to read:
- 3 1562.3. (a) The Director of Social Services, in consultation
- 4 with the Director of Health Care Services and the Director of
- 5 Developmental Services, shall establish a training program to
- 6 ensure that licensees, operators, and staffs of adult residential care
- 7 facilities, as defined in paragraph (1) of subdivision (a) of Section
- 8 1502, have appropriate training to provide the care and services
- 9 for which a license or certificate is issued. The training program
- 10 shall be developed in consultation with provider organizations.
- 11 (b) (1) An administrator of an adult residential care facility, as
- 12 defined in paragraph (1) of subdivision (a) of Section 1502, shall
- 13 successfully complete a department-approved certification program
- 14 pursuant to subdivision (c) prior to employment.
- 15 (2) In those cases where the individual is both the licensee and
- 16 the administrator of a facility, the individual shall comply with
- 17 both the licensee and administrator requirements of this section.
- 18 (3) Failure to comply with this section shall constitute cause for
- 19 revocation of the license of the facility.
- 20 (4) The licensee shall notify the department within 30 days of
- 21 any change in administrators.
- 22 (c) (1) The administrator certification program shall require a
- 23 minimum of ~~40~~ 35 hours of classroom instruction that provides
- 24 training on a uniform core of knowledge in each of the following
- 25 areas:
- 26 (A) Laws, regulations, and policies and procedural standards
- 27 that impact the operations of the type of facility for which the
- 28 applicant will be an administrator.
- 29 (B) Business operations.
- 30 (C) Management and supervision of staff.
- 31 (D) Psychosocial needs of the facility residents.
- 32 (E) Community and support services.
- 33 (F) Physical needs for facility residents.

1 (G) Use, misuse, and interaction of medication commonly used
2 by facility residents.

3 (H) Resident admission, retention, and assessment procedures.

4 (I) Nonviolent crisis intervention for administrators.

5 (J) ~~Five hours of training on cultural~~ *Cultural* competency or
6 sensitivity in aging lesbian, gay, bisexual, and transgender minority
7 issues.

8 (2) The requirement for ~~40~~ 35 hours of classroom instruction
9 pursuant to this subdivision shall not apply to persons who were
10 employed as administrators prior to July 1, 1996. A person holding
11 the position of administrator of an adult residential facility on June
12 30, 1996, shall file a completed application for certification with
13 the department on or before April 1, 1998. In order to be exempt
14 from the ~~40-hour~~ 35-hour training program and the test component,
15 the application shall include documentation showing proof of
16 continuous employment as the administrator of an adult residential
17 facility between, at a minimum, June 30, 1994, and June 30, 1996.
18 An administrator of an adult residential facility who became
19 certified as a result of passing the department-administered
20 challenge test, that was offered between October 1, 1996, and
21 December 23, 1996, shall be deemed to have fulfilled the
22 requirements of this paragraph.

23 (3) Unless an extension is granted to the applicant by the
24 department, an applicant for an administrator's certificate shall,
25 within 60 days of the applicant's completion of classroom
26 instruction, pass the written test provided in this section.

27 (d) The department shall not begin the process of issuing a
28 certificate until receipt of all of the following:

29 (1) A certificate of completion of the administrator training
30 required pursuant to this chapter.

31 (2) The fee required for issuance of the certificate. A fee of one
32 hundred dollars (\$100) shall be charged by the department to cover
33 the costs of processing the application for certification.

34 (3) Documentation from the applicant that he or she has passed
35 the written test.

36 (4) Submission of fingerprints. The department and the
37 Department of Justice shall expedite the criminal record clearance
38 for holders of certificates of completion. The department may
39 waive the submission for those persons who have a current
40 clearance on file.

1 (e) It shall be unlawful for any person not certified under this
2 section to hold himself or herself out as a certified administrator
3 of an adult residential facility. A person willfully making any false
4 representation as being a certified administrator is guilty of a
5 misdemeanor.

6 (f) (1) Certificates issued under this section shall be renewed
7 every two years and renewal shall be conditional upon the
8 certificate holder submitting documentation of completion of 40
9 hours of continuing education related to the core of knowledge
10 specified in subdivision (c). No more than one-half of the required
11 40 hours of continuing education necessary to renew the certificate
12 may be satisfied through online courses. All other continuing
13 education hours shall be completed in a classroom setting. For
14 purposes of this section, an individual who is an adult residential
15 facility administrator and who is required to complete the
16 continuing education hours required by the regulations of the State
17 Department of Developmental Services, and approved by the
18 regional center, shall be permitted to have up to 24 of the required
19 continuing education course hours credited toward the 40-hour
20 continuing education requirement of this section. Community
21 college course hours approved by the regional centers shall be
22 accepted by the department for certification.

23 (2) Every licensee and administrator of an adult residential
24 facility is required to complete the continuing education
25 requirements of this subdivision.

26 (3) Certificates issued under this section shall expire every two
27 years, on the anniversary date of the initial issuance of the
28 certificate, except that any administrator receiving his or her initial
29 certification on or after January 1, 1999, shall make an irrevocable
30 election to have his or her recertification date for any subsequent
31 recertification either on the date two years from the date of issuance
32 of the certificate or on the individual's birthday during the second
33 calendar year following certification. The department shall send
34 a renewal notice to the certificate holder 90 days prior to the
35 expiration date of the certificate. If the certificate is not renewed
36 prior to its expiration date, reinstatement shall only be permitted
37 after the certificate holder has paid a delinquency fee equal to three
38 times the renewal fee and has provided evidence of completion of
39 the continuing education required.

1 (4) To renew a certificate, the certificate holder shall, on or
2 before the certificate expiration date, request renewal by submitting
3 to the department documentation of completion of the required
4 continuing education courses and pay the renewal fee of one
5 hundred dollars (\$100), irrespective of receipt of the department's
6 notification of the renewal. A renewal request postmarked on or
7 before the expiration of the certificate is proof of compliance with
8 this paragraph.

9 (5) A suspended or revoked certificate is subject to expiration
10 as provided for in this section. If reinstatement of the certificate
11 is approved by the department, the certificate holder, as a condition
12 precedent to reinstatement, shall submit proof of compliance with
13 paragraphs (1) and (2) of subdivision (f) and shall pay a fee in an
14 amount equal to the renewal fee, plus the delinquency fee, if any,
15 accrued at the time of its revocation or suspension. Delinquency
16 fees, if any, accrued subsequent to the time of its revocation or
17 suspension and prior to an order for reinstatement, shall be waived
18 for one year to allow the individual sufficient time to complete the
19 required continuing education units and to submit the required
20 documentation. Individuals whose certificates will expire within
21 90 days after the order for reinstatement may be granted a
22 three-month extension to renew their certificates during which
23 time the delinquency fees shall not accrue.

24 (6) A certificate that is not renewed within four years after its
25 expiration shall not be renewed, restored, reissued, or reinstated
26 except upon completion of a certification training program, passing
27 any test that may be required of an applicant for a new certificate
28 at that time, and paying the appropriate fees provided for in this
29 section.

30 (7) A fee of twenty-five dollars (\$25) shall be charged for the
31 reissuance of a lost certificate.

32 (8) A certificate holder shall inform the department of his or
33 her employment status within 30 days of any change.

34 (g) The certificate shall be considered forfeited under the
35 following conditions:

36 (1) The administrator has had a license revoked, suspended, or
37 denied as authorized under Section 1550.

38 (2) The administrator has been denied employment, residence,
39 or presence in a facility based on action resulting from an
40 administrative hearing pursuant to Section 1522 or Section 1558.

(h) (1) The department, in consultation with the State Department of Health Care Services and the State Department of Developmental Services, shall establish, by regulation, the program content, the testing instrument, the process for approving certification training programs, and criteria to be used in authorizing individuals, organizations, or educational institutions to conduct certification training programs and continuing education courses. These regulations shall be developed in consultation with provider organizations, and shall be made available at least six months prior to the deadline required for certification. The department may deny vendor approval to any agency or person in any of the following circumstances:

(A) The applicant has not provided the department with evidence satisfactory to the department of the ability of the applicant to satisfy the requirements of vendorization set out in the regulations adopted by the department pursuant to subdivision (i).

(B) The applicant person or agency has a conflict of interest in that the person or agency places its clients in adult residential facilities.

(C) The applicant public or private agency has a conflict of interest in that the agency is mandated to place clients in adult residential facilities and to pay directly for the services. The department may deny vendorization to this type of agency only as long as there are other vendor programs available to conduct the certification training programs and conduct education courses.

(2) The department may authorize vendors to conduct the administrator's certification training program pursuant to provisions set forth in this section. The department shall conduct the written test pursuant to regulations adopted by the department.

(3) The department shall prepare and maintain an updated list of approved training vendors.

(4) The department may inspect certification training programs and continuing education courses, including online courses, at no charge to the department, to determine if content and teaching methods comply with regulations. If the department determines that any vendor is not complying with the intent of this section, the department shall take appropriate action to bring the program into compliance, which may include removing the vendor from the approved list.

1 (5) The department shall establish reasonable procedures and
2 timeframes not to exceed 30 days for the approval of vendor
3 training programs.

4 (6) The department may charge a reasonable fee, not to exceed
5 one hundred fifty dollars (\$150) every two years to certification
6 program vendors for review and approval of the initial 35-hour
7 training program pursuant to subdivision (c). The department may
8 also charge the vendor a fee not to exceed one hundred dollars
9 (\$100) every two years for the review and approval of the
10 continuing education courses needed for recertification pursuant
11 to this subdivision.

12 (7) (A) A vendor of online programs for continuing education
13 shall ensure that each online course contains all of the following:

14 (i) An interactive portion in which the participant receives
15 feedback, through online communication, based on input from the
16 participant.

17 (ii) Required use of a personal identification number or personal
18 identification information to confirm the identity of the participant.

19 (iii) A final screen displaying a printable statement, to be signed
20 by the participant, certifying that the identified participant
21 completed the course. The vendor shall obtain a copy of the final
22 screen statement with the original signature of the participant prior
23 to the issuance of a certificate of completion. The signed statement
24 of completion shall be maintained by the vendor for a period of
25 three years and be available to the department upon demand. Any
26 person who certifies as true any material matter pursuant to this
27 clause that he or she knows to be false is guilty of a misdemeanor.

28 (B) Nothing in this subdivision shall prohibit the department
29 from approving online programs for continuing education that do
30 not meet the requirements of subparagraph (A) if the vendor
31 demonstrates to the department's satisfaction that, through
32 advanced technology, the course and the course delivery meet the
33 requirements of this section.

34 (i) The department shall establish a registry for holders of
35 certificates that shall include, at a minimum, information on
36 employment status and criminal record clearance.

37 *SEC. 2. Section 1569.616 of the Health and Safety Code is*
38 *amended to read:*

1 1569.616. (a) (1) An administrator of a residential care facility
2 for the elderly shall be required to successfully complete a
3 department-approved certification program prior to employment.

4 (2) In those cases where the individual is both the licensee and
5 the administrator of a facility, or a licensed nursing home
6 administrator, the individual shall comply with the requirements
7 of this section unless he or she qualifies for one of the exemptions
8 provided for in subdivision (b).

9 (3) Failure to comply with this section shall constitute cause for
10 revocation of the license of the facility where an individual is
11 functioning as the administrator.

12 (4) The licensee shall notify the department within 30 days of
13 any change in administrators.

14 (b) Individuals seeking exemptions under paragraph (2) of
15 subdivision (a) shall meet the following criteria and fulfill the
16 required portions of the certification program, as the case may be:

17 (1) An individual designated as the administrator of a residential
18 care facility for the elderly who holds a valid license as a nursing
19 home administrator issued in accordance with Chapter 2.35
20 (commencing with Section 1416) of Division 2 ~~of the Health and~~
21 ~~Safety Code~~ shall be required to complete the areas in the uniform
22 core of knowledge required by this section that pertain to the law,
23 regulations, policies, and procedural standards that impact the
24 operations of residential care facilities for the elderly, the use,
25 misuse, and interaction of medication commonly used by the
26 elderly in a residential setting, and resident admission, retention,
27 and assessment procedures, equal to 12 hours of classroom
28 instruction. An individual meeting the requirements of this
29 paragraph shall not be required to take a written test.

30 (2) In those cases where the individual was both the licensee
31 and administrator on or before July 1, 1991, the individual shall
32 be required to complete all the areas specified for the certification
33 program, but shall not be required to take the written test required
34 by this section. Those individuals exempted from the written test
35 shall be issued a conditional certification that is valid only for the
36 administrator of the facility for which the exemption was granted.

37 (A) As a condition to becoming an administrator of another
38 facility, the individual shall be required to pass the written test
39 provided for in this section.

1 (B) As a condition to applying for a new facility license, the
2 individual shall be required to pass the written test provided for
3 in Section 1569.23.

4 (c) (1) The administrator certification program shall require a
5 minimum of 40 hours of classroom instruction that provides
6 training on a uniform core of knowledge in each of the following
7 areas:

8 (A) Laws, regulations, and policies and procedural standards
9 that impact the operations of residential care facilities for the
10 elderly.

11 (B) Business operations.

12 (C) Management and supervision of staff.

13 (D) Psychosocial needs of the elderly.

14 (E) Community and support services.

15 (F) Physical needs for elderly persons.

16 (G) Use, misuse, and interaction of medication commonly used
17 by the elderly.

18 (H) Resident admission, retention, and assessment procedures.

19 (I) Training focused specifically on serving clients with
20 dementia. This training shall be for at least four hours.

21 (J) *Cultural competency in aging lesbian, gay, bisexual, and*
22 *transgender minority issues.*

23 (2) Individuals applying for certification under this section shall
24 successfully complete an approved certification program, pass a
25 written test administered by the department within 60 days of
26 completing the program, and submit the documentation required
27 by subdivision (d) to the department within 30 days of being
28 notified of having passed the test. The department may extend
29 these time deadlines for good cause. The department shall notify
30 the applicant of his or her test results within 30 days of
31 administering the test.

32 (d) The department shall not begin the process of issuing a
33 certificate until receipt of all of the following:

34 (1) A certificate of completion of the administrator training
35 required pursuant to this chapter.

36 (2) The fee required for issuance of the certificate. A fee of one
37 hundred dollars (\$100) shall be charged by the department to cover
38 the costs of processing the application for certification.

39 (3) Documentation of passing the written test or of qualifying
40 for an exemption pursuant to subdivision (b).

1 (4) Submission of fingerprints. The department and the
2 Department of Justice shall expedite the criminal record clearance
3 for holders of certificates of completion. The department may
4 waive the submission for those persons who have a current criminal
5 record clearance on file.

6 (e) It shall be unlawful for ~~any~~ a person not certified under this
7 section to hold himself or herself out as a certified administrator
8 of a residential care facility for the elderly. Any person willfully
9 making ~~any~~ a false representation as being a certified administrator
10 is guilty of a misdemeanor.

11 (f) (1) Certificates issued under this section shall be renewed
12 every two years and renewal shall be conditional upon the
13 certificate holder submitting documentation of completion of 40
14 hours of continuing education related to the core of knowledge
15 specified in paragraph (1) of subdivision (c). No more than one-half
16 of the required 40 hours of continuing education necessary to renew
17 the certificate may be satisfied through online courses. All other
18 continuing education hours shall be completed in a classroom
19 setting. For purposes of this section, individuals who hold a valid
20 license as a nursing home administrator issued in accordance with
21 Chapter 2.35 (commencing with Section 1416) of Division 2 of
22 the Health and Safety Code and meet the requirements of paragraph
23 (1) of subdivision (b) shall only be required to complete 20 hours
24 of continuing education.

25 (2) Every certified administrator of a residential care facility
26 for the elderly is required to renew his or her certificate and shall
27 complete the continuing education requirements of this subdivision
28 whether he or she is certified according to subdivision (a) or (b).
29 At least eight hours of the 40-hour continuing education
30 requirement for a certified administrator of a residential care facility
31 for the elderly shall include instruction on serving clients with
32 dementia, including, but not limited to, instruction related to direct
33 care, physical environment, and admissions procedures and
34 assessment.

35 (3) Certificates issued under this section shall expire every two
36 years, on the anniversary date of the initial issuance of the
37 certificate, except that any administrator receiving his or her initial
38 certification on or after January 1, 1999, shall make an irrevocable
39 election to have his or her recertification date for any subsequent
40 recertification either on the date two years from the date of issuance

1 of the certificate or on the individual's birthday during the second
2 calendar year following certification. The department shall send
3 a renewal notice to the certificate holder 90 days prior to the
4 expiration date of the certificate. If the certificate is not renewed
5 prior to its expiration date, reinstatement shall only be permitted
6 after the certificate holder has paid a delinquency fee equal to three
7 times the renewal fee and has provided evidence of completion of
8 the continuing education required.

9 (4) To renew a certificate, the certificate holder shall, on or
10 before the certificate expiration date, request renewal by submitting
11 to the department documentation of completion of the required
12 continuing education courses and pay the renewal fee of one
13 hundred dollars (\$100), irrespective of receipt of the department's
14 notification of the renewal. A renewal request postmarked on or
15 before the expiration of the certificate is proof of compliance with
16 this paragraph.

17 (5) A suspended or revoked certificate is subject to expiration
18 as provided for in this section. If reinstatement of the certificate
19 is approved by the department, the certificate holder, as a condition
20 precedent to reinstatement, shall pay a fee in an amount equal to
21 the renewal fee, plus the delinquency fee, if any, accrued at the
22 time of its revocation or suspension.

23 (6) A certificate that is not renewed within four years after its
24 expiration shall not be renewed, restored, reissued, or reinstated
25 except upon completion of a certification program, passing any
26 test that may be required of an applicant for a new certificate at
27 that time, and paying the appropriate fees provided for in this
28 section.

29 (7) A fee of twenty-five dollars (\$25) shall be charged for the
30 reissuance of a lost certificate.

31 (8) A certificate holder shall inform the department of his or
32 her employment status within 30 days of any change.

33 (g) The department may revoke a certificate issued under this
34 section for any of the following:

35 (1) Procuring a certificate by fraud or misrepresentation.

36 (2) Knowingly making or giving any false statement or
37 information in conjunction with the application for issuance of a
38 certificate.

39 (3) Criminal conviction, unless an exemption is granted pursuant
40 to Section 1569.17.

1 (h) The certificate shall be considered forfeited under either of
2 the following conditions:

3 (1) The administrator has had a license revoked, suspended, or
4 denied as authorized under Section 1569.50.

5 (2) The administrator has been denied employment, residence,
6 or presence in a facility based on action resulting from an
7 administrative hearing pursuant to Section 1569.58.

8 (i) (1) The department shall establish, by regulation, the
9 program content, the testing instrument, the process for approving
10 certification programs, and criteria to be used in authorizing
11 individuals, organizations, or educational institutions to conduct
12 certification programs and continuing education courses. These
13 regulations shall be developed in consultation with provider and
14 consumer organizations, and shall be made available at least six
15 months prior to the deadline required for certification. The
16 department may deny vendor approval to any agency or person
17 that has not provided satisfactory evidence of their ability to meet
18 the requirements of vendorization set out in the regulations adopted
19 pursuant to subdivision (j).

20 (2) (A) A vendor of online programs for continuing education
21 shall ensure that each online course contains all of the following:

22 (i) An interactive portion where the participant receives
23 feedback, through online communication, based on input from the
24 participant.

25 (ii) Required use of a personal identification number or personal
26 identification information to confirm the identity of the participant.

27 (iii) A final screen displaying a printable statement, to be signed
28 by the participant, certifying that the identified participant
29 completed the course. The vendor shall obtain a copy of the final
30 screen statement with the original signature of the participant prior
31 to the issuance of a certificate of completion. The signed statement
32 of completion shall be maintained by the vendor for a period of
33 three years and be available to the department upon demand. Any
34 person who certifies as true any material matter pursuant to this
35 section that he or she knows to be false is guilty of a misdemeanor.

36 (B) Nothing in this subdivision shall prohibit the department
37 from approving online programs for continuing education that do
38 not meet the requirements of subparagraph (A) if the vendor
39 demonstrates to the department's satisfaction that, through

1 advanced technology, the course and the course delivery meet the
2 requirements of this section.

3 (3) The department may authorize vendors to conduct the
4 administrator certification training program pursuant to provisions
5 set forth in this section. The department shall conduct the written
6 test pursuant to regulations adopted by the department.

7 (4) The department shall prepare and maintain an updated list
8 of approved training vendors.

9 (5) The department may inspect training programs, continuing
10 education courses, and online courses, at no charge to the
11 department, in order to determine if content and teaching methods
12 comply with paragraphs (1) and (2), if applicable, and with
13 regulations. If the department determines that ~~any~~ a vendor is not
14 complying with the intent of this section, the department shall take
15 appropriate action to bring the program into compliance, which
16 may include removing the vendor from the approved list.

17 (6) The department shall establish reasonable procedures and
18 timeframes, not to exceed 30 days, for the approval of vendor
19 training programs.

20 (7) The department may charge a reasonable fee, not to exceed
21 one hundred fifty dollars (\$150) every two years, to certification
22 program vendors for review and approval of the initial 40-hour
23 training program pursuant to subdivision (c). The department may
24 also charge the vendor a fee, not to exceed one hundred dollars
25 (\$100) every two years, for the review and approval of the
26 continuing education courses needed for recertification pursuant
27 to this subdivision.

28 (j) This section shall be operative upon regulations being
29 adopted by the department to implement the administrator
30 certification program as provided for in this section.

31 (k) The department shall establish a registry for holders of
32 certificates that shall include, at a minimum, information on
33 employment status and criminal record clearance.

34 (l) Notwithstanding any ~~provision of law~~ to the contrary, vendors
35 approved by the department who exclusively provide either initial
36 or continuing education courses for certification of administrators
37 of a residential care facility for the elderly, as defined in
38 subdivision (k) of Section 1569.2, a group home facility, as defined
39 by regulations of the department, or an adult residential care
40 facility, as defined by regulations of the department, shall be

1 regulated solely by the department pursuant to this chapter. No
2 other state or local governmental entity shall be responsible for
3 regulating the activity of those vendors.

4 *SEC. 3. Section 9719 of the Welfare and Institutions Code is*
5 *amended to read:*

6 9719. (a) (1) The office shall sponsor a training of
7 representatives of approved organizations at least twice each year.
8 The office shall provide training to these representatives as
9 appropriate. Prior to the certification of an ombudsman by the
10 office, individuals shall meet both of the following requirements:

11 (A) Have a criminal offender record clearance conducted by
12 the State Department of Social Services. A clearance pursuant to
13 Section 1569.17 of the Health and Safety Code shall constitute
14 clearances for the purpose of entry to any long-term care facility.

15 (B) Have received a minimum of 36 hours of certification
16 training that is approved by the office and offered by an approved
17 organization, *which shall include training on cultural competency*
18 *or sensitivity in aging lesbian, gay, bisexual, and transgender*
19 *minority issues.*

20 (2) Upon receipt of an applicant's criminal record clearance and
21 acceptance by the office, the office shall issue a card identifying
22 the bearer as a certified ombudsman. Each ombudsman shall
23 receive a minimum of 12 hours of additional training annually.

24 (b) (1) The department shall contract with the State Department
25 of Social Services to conduct a criminal offender record
26 information search, pursuant to Section 1569.17 of the Health and
27 Safety Code, for each applicant seeking certification as an
28 ombudsman. The State Department of Social Services shall notify
29 the individual and the office of the individual's clearance or denial.

30 (2) An applicant for certification as an ombudsman shall not be
31 responsible for any costs associated with transmitting the
32 fingerprint images and related information or conducting criminal
33 record clearances.

34 (c) Nothing in this section shall be construed to prohibit the
35 Department of Justice from assessing a fee pursuant to Section
36 11105 of the Penal Code to cover the cost of searching for or
37 furnishing summary criminal offender record information.